

MINUTES OF BENTON COUNTY QUORUM COURT

October 26, 2006

A regular meeting of the Benton County Quorum Court was held on Thursday, October 26, 2006 at 5:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Gary Black called the meeting to order.

Deputy Clerk Betsy Deaton called roll as follows:

11 JP's Present:	Harrison, Hill, Moore, Sampier, Schindler, Sheridan, Stephenson, Summers, Tharp, Wolf, Wozniak
2 Absent:	*Adams, Allen

The presiding officer led the pledge of allegiance to the flag, and JP Tim Summers led the prayer.

MINUTES:

JP Sampier made motion to approve the Minutes of the regular meeting of September 28, 2006 as distributed, seconded by JP Hill. Motion to approve the minutes carried by voice vote.

COUNTY JUDGE'S REPORT:

County Judge Gary Black announced the appointment of Gene Williams to the Benton County 9-1-1 Board for an unexpired term ending March 31, 2009. Appointment affirmed by unanimous show of hands vote.

County Judge Gary Black stated that he has received a response to his July 14 letter to Governor Huckabee concerning the state's \$721 million surplus. He said that the Governor agreed with his proposal to set aside part of the surplus for a disaster or "rainy day" fund, but instead of dividing the remainder among the 75 counties based on population and making it available to cities and counties in a "Capital Projects/Infrastructure Discretionary Grant Fund", the Governor believes that it should be given back to the citizens. County Judge Gary Black stated that if the rest of the Quorum Court agreed with his proposal, he would like to see a Resolution adopted that could be sent to Governor Huckabee expressing their support.

JP Sheridan stated that with the Amendment 59 process, we saw how ineffective it is to try to give money back to the public. JP Sheridan made motion to draft a Resolution supporting the County Judge's proposals for the surplus funds, seconded by JP Sampier, who added that nowhere in the state are the infrastructure challenges as great as they are here in Northwest Arkansas. JP Moore stated that he did not think that Governor Huckabee will have much to do

with how the money will be spent, and we should be sending a Resolution to the new governor. JP Hill suggested sending the original letter along with the Resolution. JP Schindler stated that a copy should also be sent to the State Legislators. JP Moore suggested checking with other counties to see if they wanted to jump on board with us. JP Sheridan stated that he would sponsor the Resolution. County Judge Gary Black stated that they would get a Resolution drafted and present it to the next Committee of Thirteen. Motion passed by unanimous show of hands vote.

County Judge Gary Black stated that Dale Russow has been in Kansas City waiting for a heart transplant for one month, and that there will be an Auction, Pie and Chili Supper in Decatur on November 11, 2006 to benefit Dale Russow. He added that they sent him a \$4,000 check from the 2nd Annual Show-n-Shine Car Show held last month.

Assistant County Administrator Travis Harp reported that the 7-member Search Committee came to a unanimous decision on the new Planning Director, and introduced Ashley Pope. Ashley Pope stated that she looks forward to working in Benton County.

ELECTED OFFICIALS REPORT:

None

COMMITTEE REPORTS:

JP Summers stated that the Budget Committee had its first meeting, but they are pretty much on hold until after the election. He said that the Comptroller and his staff has given them good numbers to work with, but they will have to wait and see how they are going to be affected by the vote in November. He said that the Budget Books are ready to be picked up, and if anyone has questions he encouraged them to schedule a meeting with Richard McComas.

JP Wozniak reported that the Nuisance Abatement Ordinance appeared before the Planning Board, and he asked some members of the public to submit a draft ordinance with their suggested changes which the Environmental Committee will review on November 9, 2006 at 5:00 p.m., and they will also have some information on STEP Septic Systems.

PUBLIC COMMENTS:

Jo Ann Hoffman commented on the Equalization Board procedures.

*JP Adams entered the meeting.

James Gately pleaded with the Quorum Court to be proactive in protecting the water supply of Benton County, and develop some new regulations and oversight for sewage systems.

Bill Millager stated that he agreed with JP Schindler's previous assessment of the Planning Board's procedures during the vote which approved the condo project on Beaver Lake, and suggested that all county boards and organizations undergo training on proper procedures. He noted that the Planning Board is the most powerful entity in the county because of all the things it can authorize.

Don Day stated that the proposed nuisance ordinance had appeared before the Planning Board, and if they incorporate the suggestions made by Randall Ward and Theresa Pockrus they may finally have a workable ordinance that is not a nuisance to the office of Environmental Services. He also said that people may not agree with the Planning Board's decisions, but in his experience they do take the time to fully study whatever is before them.

OLD BUSINESS:

None

NEW BUSINESS:

- (A) Proposed Resolution Granting a Waiver of the Policy as Established in Sec. 2-534 of *The Code of Ordinances of Benton County* Regarding Payment Within the Range and Hire-in Rate for the Auto Maintenance Supervisor in Department 5, Sheriff's Office, Fund 010; Sponsor: JP Robert Stephenson

Deputy Clerk Betsy Deaton read the proposed Resolution in full. JP Adams made motion for approval, seconded by JP Stephenson. JP Stephenson stated that the proposed Resolution had been thoroughly discussed at the Personnel Committee and Finance Committee and the Committee of Thirteen, and it is enabling the Sheriff to employ a person who has a proven track record of reducing the costs of operating a fleet, and is self-explanatory, but if anyone has questions he will be happy to answer them.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas: Adams, Harrison, Hill, Moore, Sampier, Schindler, Sheridan,
Stephenson, Summers, Tharp, Wolf, Wozniak
1 absent: Allen

Resolution duly adopted and assigned No. **R-2006-19**

- (B) Proposed Resolution Granting a Waiver of the Policy as Established in Sec. 2-534 of *The Code of Ordinances of Benton County* Regarding Limits of Promotion Increases for the Position of GIS Project Manager, Department 07, Assessor, Fund 070; Sponsor: JP Robert Stephenson

Deputy Clerk Betsy Deaton read the proposed Resolution in full. JP Stephenson made motion for approval, seconded by JP Schindler. JP Stephenson stated that this has been through the committee process, and is an attempt to keep sanity in a fixed set of rules so that we will not have to penalize an existing county employee by keeping their hire-in rate at a lower rate than an outside hire would get. JP Moore stated that it seems there are a lot of these coming through, and suggested that it might be prudent to look at the language of the ordinance that makes these waivers necessary. JP Stephenson stated that there has been preliminary discussion about changing that language, and if they continue to occur frequently they will consider it. He said if

the number of waivers does not increase significantly, it may be better to leave the ordinance as it is so that these variances will come to the court's attention when they occur. JP Adams stated that the general principle behind paying more for outside hires is that the internal hire has benefited from training paid for by the employer, and the outside hires come in already having the education. Richard McComas stated that because of our budgeting process, there is just no way around it other than the way they are doing it right now.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas: Adams, Harrison, Hill, Moore, Sampier, Schindler, Sheridan,
Stephenson, Summers, Tharp, Wolf, Wozniak
1 absent: Allen

Resolution duly adopted and assigned No. **R-2006-20**.

(C) Proposed Resolution Authorizing the County Judge of Benton County to Apply for a Grant From the Arkansas Department of Parks and Tourism; Sponsor: JP Burt Schindler, JP Jim Wozniak

Deputy Clerk Betsy Deaton read the proposed Resolution in full. JP Hill made motion for approval, seconded by JP Moore. JP Schindler stated that it is self-explanatory, and the grant will be used to build a walking trail surrounding the Veteran's War Memorial in Bella Vista that will be accessible to the handicapped.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas: Adams, Harrison, Hill, Moore, Sampier, Schindler, Sheridan,
Stephenson, Summers, Tharp, Wolf, Wozniak
1 absent: Allen

Resolution duly adopted and assigned No. **R-2006-21**

(D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2005-36 (2006 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 05, Sheriff's Forfeiture Fund, Fund 250; Sponsor: JP Tim Summers

JP Adams made motion to read by title only, seconded by JP Hill. Motion passed by unanimous voice vote. Deputy Clerk Betsy Deaton read the proposed Appropriation Ordinance by title only. JP Summers made motion for approval, seconded by JP Hill. JP Summers stated that this has been through the Finance Committee and Committee of Thirteen, is not County General money, and is used to fund the narcotics division of the Sheriff's Department.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas: Adams, Harrison, Hill, Moore, Sampier, Schindler, Sheridan,
Stephenson, Summers, Tharp, Wolf, Wozniak
1 absent: Allen

Appropriation Ordinance duly adopted and assigned No. **O-2006-20**.

OTHER BUSINESS:

None

ANNOUNCEMENTS:

JP Summers announced that the Finance Committee will be meeting Tuesday, October 31, 2006 at 2:30 p.m.

JP Wozniak announced that the Environmental Committee will be meeting Thursday, November 9, 2006 at 5:00 p.m.

JP Wolf announced that former Justice of the Peace Bill Fortune passed away, and he was a wonderful gentleman, a great JP, and will be missed.

JP Sampier announced that he became a grandfather for the first time last week.

There being no further business to come before the court, upon motion and second the meeting was adjourned at 5:45 p.m.

Respectfully submitted,

Mary L. Slinkard,
County Clerk

Prepared by: Betsy Deaton